



DOD HOMOSEXUAL POLICY



- **Focuses on homosexual conduct, not sexual orientation.**
- **Soldiers will be separated for:**
 - **Statement (e.g. “I am gay”).**
 - Acts**
 - Marriage**



INVESTIGATING HOMOSEXUAL CONDUCT



- **Only commanders initiate inquiries.**
- **Must base inquiries on credible information.**
- **Credible Evidence: Any information, considering its source and surrounding circumstances, that supports a reasonable belief that there is a basis for discharge.**



INVESTIGATING HOMOSEXUAL CONDUCT, (cont)



- **Evidence is NOT credible:**
 - Mere suspicion/rumors
 - Reading homosexual Pubs/going to “gay bars”.
- **Statement (“I am gay”) is usually enough for separation; further investigation is limited.**



COMMANDER'S FURTHER INVESTIGATING ACTIONS



- 1. Advise the soldier on the DoD Homosexual Policy.**
- 2. Read soldier his rights.**
- 3. Ask the soldier:**
 - If he committed or attempted to commit homosexual acts, or**
 - Does he intend to or will in the future?**
- 4. May question the soldier's supervisory chain of command. Also, other persons suggested by the soldier in the interview.**



ILLEGAL INVESTIGATION



- 1. Without approval from the soldier's CDR.**
- 2. Accuse soldier of violating the homosexual conduct policy based on:**
 - a. Suspicion without credible evidence**
 - b. Rumors**
 - c. Observing a soldier with homosexual material or in certain locations (e.g. gay bars)**
- 3. Require soldier to reveal his sexual orientation.**



ANTI-HARASSMENT POLICY



- **Don't investigate harassed/threatened soldier for homosexuality just because he is harassed/threatened.**
- **Need credible information other than harassment.**
- **Harassed soldiers should seek out the chain-of-command, chaplains, legal assistance.**